

Appl. No. 09/806,886  
Amdt. Dated 05/01/2003  
Reply to Office Action of Oct. 4, 2002

4

#### REMARKS/ARGUMENTS

Claims 3, 4, 8 and 12 have been cancelled herewith in order to speed prosecution and not for reasons of patentability. Claims 1, 2 and 5-7 and 9-11 are now in the case. Claim 1 has been amended to recite parameters originally appearing in Claims 3 and 4. Claim 1 has further been amended to recite that the foam suppressor is in the form of flakes having a specified thickness range. Basis is found at page 14, second paragraph. Claims 6 and 9 have been amended to resolve formal matters raised by the Examiner under 112 (below). Claim 10 has been amended and now specifies the size of the foaming component particles.

It is submitted that there is full support for all amendments and entry is requested.

#### LISTING OF REFERENCES

Applicants request entry of the Form PTO/SB08A which was originally submitted with Applicants' April 1, 2003 Amendment listing the references cited in the Search Report. A copy of this form is being resubmitted for the Examiner's convenience.

#### REJECTIONS UNDER 35 USC 112

Claims 1, 6, 8 and 9 stand rejected under 112 for reasons of record. In light of the amendments submitted herewith, all claims meet the statutory requirements. Reconsideration and withdrawal of the rejections on this basis are requested.

#### REJECTIONS UNDER 35 USC 102

Claims 1-7, 9, 11 and 12 stand rejected under 102 over WO 93/01269, for reasons of record. Claims 1-6 and 9-11 also stand rejected under 102 over WO 97/17939, for reasons of record. Applicants respectfully traverse all rejections under 102, to the extent they may apply to the claims as now amended.

First, it is noted that neither WO/1269 no WO/17939 discloses a foam suppressing component in the form of flakes, as now recited in the claims. Indeed, both references appear to recite granular particles. Second, since neither document discloses flakes, it is clear that neither reference discloses the irregular dimensions of the flakes recited in the present claims. Third, neither reference discloses the thickness of the flakes now recited in the claims. Finally, neither reference discloses the combination of flake form, dimensions and thickness now recited in the amended claims. Accordingly, it is submitted that Claims 1, 2, 5-7 and 9-11, now in the case, meet the requirements of 35 USC 102, and withdrawal of the rejections is requested.

Appl. No. 09/806,886  
Amdt. Dated 05/01/2003  
Reply to Office Action of Oct. 4, 2002

5

REJECTIONS UNDER 35 USC 103

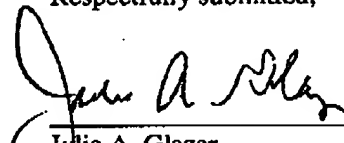
Claims 8 and 12 have been cancelled herewith solely to speed prosecution. Accordingly, the rejections under 103 have been obviated.

In light of the amendments to the claims and the above remarks, it is requested that the Examiner reconsider and withdraw all rejections. Early and favorable action in the case is respectfully requested.

SUMMARY

This document is responsive to the U.S. Patent and Trademark's Notice of Non-Compliant Amendment (Voluntary Revised Practice). Applicants have resubmitted the claim amendments to add status identifiers to each claim. Applicants respectfully request that the Amendment be entered. Additionally, Applicants respectfully request that the Examiner consider and make of record the Form PTO/SB08A listing the references cited in the Search Report for the instant application. Applicants further request that the Examiner reconsider and withdraw the claim rejections and allow the claims remaining in the instant application.

Respectfully submitted,

  
\_\_\_\_\_  
Julia A. Glazer  
Attorney for Applicants  
Registration No. 41,783  
(513) 627-4132

Date: May 1, 2003

Customer No. 27752

(AA352F AMENDMENT.DOC)  
(Revised 5/21/02)

RECEIVED  
MAY 02 2003  
GROUP 1-700